

REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Applicant thanks the Examiner for total consideration given the present application. Claims 1-14 were pending prior to the Office Action. Claims 15-17 have been added through this reply. Claim 14 has been canceled without prejudice or disclaimer of the subject matter included therein. Therefore, claims 1-13 and 15-17 are pending. Claims 1-2 and 8-11 are independent. Applicant respectfully requests reconsideration of the rejected claims in light of the remarks presented herein, and earnestly seeks a timely allowance of all pending claims.

Allowable Subject Matter

Applicant appreciates that claims 3 and 5 are indicated to define allowable subject matter.

OFFICIAL ACTION

Preliminary Comments

Request for Personal Interview

By this reply, Applicant respectfully requests a personal Interview. The Examiner is respectfully requested to contact Applicant's representative to schedule and conduct an Interview. If the Examiner maintains the misinterpreted understanding of the claimed discrimination code (which is claimed as discriminating between which of the controlled devices in the system the control command is for) by the arguments set forth in this reply, Applicant desires to explain the differences between the claimed discrimination code and Salazar to the Examiner and the Examiner's Supervisor.

Claim Rejection - 35 U.S.C. § 101

The Examiner rejected claim 13 asserting that claim 13 is not directed to statutory subject matter. By this amendment, Applicant has amended this claim to be directed to statutory

subject matter. New claims 15-17 are also directed to statutory subject matter. Based on this amendment, it is respectfully requested that the outstanding rejection be withdrawn.

Claim Rejection - 35 U.S.C. § 102(b)

Claims 1-2, 4, 7-12 and 14 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated over Salazar et al. (U.S. Patent No. 5,802,467). Applicant respectfully traverses this rejection.

For a Section 102 rejection to be proper, the cited reference must teach or suggest each and every claimed element. *See M.P.E.P. 2131; M.P.E.P. 706.02.* Thus, if the cited reference fails to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

In this instance, Salazar fails to teach or suggest each and every claimed element.

Feature of claims 1-2 and 8-11 not taught by Salazar:

Independent claim 1 recites, *inter alia*, “the control data including (i) a control command and (ii) a discrimination code for discriminating which of the controlled devices in the system the control command is for.” *Emphasis added.*

In claims 1-2 and 8-11, the Examiner cited Salazar for the alleged teaching of a discrimination code for discriminating between a controlled device to which the control command is to be transmitted to.

In the response to the First Office Action, Applicant argued that Salazar neither teaches or suggests that the control data includes a control command and a discrimination code for discriminating which of the controlled devices in the system the control command is for.

Based on the Examiner’s response to arguments (Office Action dated 5/30/2008, page 5, section 9), it is clear that the Examiner has either misunderstood the claim feature or misread the claim limitation.

With respect to this argument, the Examiner alleges that Salazar teaches the handset 10 that wirelessly controls the controlled devices (e.g. channel selector, volume controller, and power switch, see column 7, lines 40-50) and that adjusts/changes the state of the controlled

devices (e.g. channel up, channel down, volume up, volume down, power on, and power off). Further, the Examiner alleges that the control data inherently include a discrimination code/signal for discriminating between a channel selector, a volume controller, and a power switch for example and a command for adjusting/changing the channel selector, the volume controller, and the power switch.

That is, the Examiner interprets the discrimination code as a code for discriminating control functions (e.g. channel selector and volume controller). However, the discrimination code of the present application is for discriminating controlled devices in the system.

As such, the Examiner misinterprets the subject matter of the present invention.

Thus, the Examiner has completely misread the claimed feature of the discrimination code. As stated above, the claimed limitation includes a code for discriminating between which of the controlled devices in the system the control command is for, not for discriminating between functions like channel control or volume control.

Thus, Salazar does not disclose, teach, or suggest the feature of control data including (i) a control command and (ii) a discrimination code for discriminating which of the controlled devices in the system the control command is for.

Claim 1 is submitted to be allowable over Salazar for at least this reason. Independent claims 2 and 8-11 are allowable for similar reasons as set forth above in reference to independent claim 1.

Dependent claims 4 and 7 are allowable for the reasons set forth above with regards to claim 2 at least based on their dependency on claim 2.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 1-2, 4, 7, and 8-11 under 35 U.S.C. § 102(b).

Reconsideration and allowance of claims 1-2, 4, 7, and 8-11 are respectfully requested for at least these reasons.

Claim Rejection - 35 U.S.C. § 103(a)

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Salazar in view of Yuen (U.S. Patent Publication No. 2002/0098834-A1). Applicant respectfully traverses this rejection.

Dependent claim 6 is allowable for the reasons set forth above with regards to claim 2 at least based on their dependency on claim 2.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claim 6 under 35 U.S.C. § 103(a).

Reconsideration and allowance of claim 6 is respectfully requested for at least these reasons.

Conclusion

Therefore, for at least these reasons, all claims are believed to be distinguishable over the combination of Salazar and Yuen, individually or in any combination. It has been shown above that the cited references, individually or in combination, may not be relied upon to show at least these features. Therefore, claims 1-2, 4, 6-13, and 15-17 are distinguishable over the cited references.

In view of the above remarks, it is believed that the pending application is in condition for allowance.

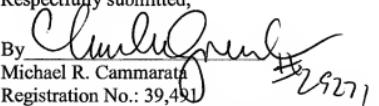
Applicant respectfully requests that the pending application be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Aslan Ettehadieh Reg. No. 62,278 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.147; particularly, extension of time fees.

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Respectfully submitted,

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